

**SEALED**

3:23-mj-00065

DISTRICT OF OREGON, ss: AFFIDAVIT OF CHATHAM McCUTCHEON

**Affidavit in Support of a Criminal Complaint and Arrest Warrant**

I, Chatham McCutcheon, being duly sworn, do hereby depose and state as follows:

**Introduction and Agent Background**

1. I am a Deportation Officer with the Department of Homeland Security (DHS), Immigration and Customs Enforcement (ICE), Enforcement and Removal Operations, and have been so employed since September 2015. My current assignment is the Fugitive Operations Team in Portland, Oregon, where I am assigned as a TFO with the United States Marshals Service's Violent Offender Task Force. I am responsible for conducting criminal and administrative investigations into violations of Federal Immigration Law and related statutes. I have been employed by the Department of Homeland Security (DHS) for over twenty years, serving also as an Immigration Enforcement Agent since January 2009. Prior to that I served as a Customs and Border Protection Officer from February 2003 through January 2009. Prior to that I was a Customs Inspector with the legacy United States Customs Service prior to the creation of the Department of Homeland Security. I am a graduate of the U.S. Customs Service Basic Inspection Academy, the ICE DRO Basic Immigration Enforcement Academy. I have also completed training at the Field Operations Training Program at the Federal Law Enforcement Training Center in Glynco, Georgia and the Field Operations Training Program-Prosecutions at the Federal Law Enforcement Training Center in Charleston, South Carolina.

2. I submit this affidavit in support of a criminal complaint and arrest warrant for Sixtos GONZALEZ-NAVARRO, ("GONZALEZ-NAVARRO") for: Illegal Reentry in

violation of 8 U.S.C. §§ 1326(a) & (b)(2). As set forth below, there is probable cause to believe, and I do believe, that Sixtos GONZALEZ-NAVARRO committed the above listed offense.

**Applicable Law**

3. Title 8, United States Code, Section 1326(a) establishes a crime for “any alien who has been denied admission, excluded, deported, or removed or has departed the United States while an order of exclusion, deportation, or removal is outstanding” who “thereafter enters, attempts to enter, or is at any time found in, the United States, unless [ ] prior to his re-embarkation at a place outside the United States . . . , the Attorney General has expressly consented to such alien’s reapplying for admission.” Title 8, United States Code, Section 1326(b)(2) “whose removal was subsequent to a conviction for commission of an aggravated felony”.

**Statement of Probable Cause**

4. Sixtos GONZALEZ-NAVARRO is a forty-five (45) year-old male (D.O.B. 8/29/1977), native and citizen of Mexico, who last entered the United States illegally by crossing the international border on an unknown date, on or after May 5, 2020, at an unknown location, without first having obtained the consent of the Attorney General of the United States or the Secretary of Homeland Security.

5. On May 14, 2004, Sixtos GONZALEZ-NAVARRO was convicted in the Superior Court of Fulton County, State of Georgia, in case 03SC07982, for Possession of Methamphetamine with Intent to Distribute, in violation of O.C.G.A. 16-13-30, which resulted in a sentence of one year imprisonment, and four years suspended. He was then removed from the United States to Mexico on September 27, 2004.

6. On March 12, 2020, ICE Deportation Officer Jason Chounard obtained a Criminal Complaint and arrest warrant for Illegal Reentry (District of Oregon Case 6:20-mj-00047-MK). The magistrate judge ordered GONZALEZ-NAVARRO released to pre-trial supervision. In the interest of public safety, ICE took custody of GONZALEZ-NAVARRO and removed him to Mexico on May 5, 2020. On May 15, 2020, the government filed a motion to dismiss the above complaint without prejudice. The complaint was dismissed without prejudice May 18, 2020.

7. The official DHS File A 075 531 181 relating to GONZALEZ-NAVARRO contains an executed form I-205 Warrant of Deportation/Removal establishing GONZALEZ-NAVARRO's removal from the United States pursuant to a Final Administrative Removal Order. According to the executed Form I-205, GONZALEZ-NAVARRO was removed from the United States to Mexico by foot through the Port of Entry at El Paso, Texas, on May 5, 2020. GONZALEZ-NAVARRO's photograph and right fingerprint are memorialized on the Form I-205.

8. ICE officers in the Santa Ana, California, office received biometric confirmation that Sixtos GONZALEZ-NAVARRO had returned to the United States after his fingerprints were submitted upon booking at the Anaheim City Jail on January 28, 2022, February 13, 2022, and April 9, 2022.

9. On March 10, 2023, Lincoln City Police Detective John Goodman shared with me credible information received from both a concerned citizens and a reliable confidential informant placing GONZALEZ-NAVARRO in Lincoln County, Oregon.

10. DHS File A 075 531 181 contains no document, paperwork, or other indication that GONZALEZ-NAVARRO ever sought, or was granted, the consent of the Attorney General

or Secretary of Homeland Security to reapply for admission into the United States from a place outside the United States.

**Conclusion**

11. Based on the foregoing, I have probable cause to believe, and I do believe, that Sixtos GONZALEZ-NAVARRO illegally re-entered the United States following his removal, in violation of 8 U.S.C. § 1326(a) & (b)(2). I therefore request that the Court issue a criminal complaint and arrest warrant for Sixtos GONZALEZ-NAVARRO.

12. Prior to being submitted to the Court, this affidavit, the accompanying complaint, and the arrest warrant were all reviewed by Assistant United States Attorney (AUSA) Thomas S. Ratcliffe. AUSA Ratcliffe advised me that in his opinion the affidavit and complaint are legally and factually sufficient to establish probable cause to support the issuance of the requested criminal complaint and arrest warrant.

**Request for Sealing**

13. It is respectfully requested that the Court issue an order sealing, until further order of the Court, all papers submitted in support of the requested criminal complaint and arrest warrant. I believe that sealing these documents is necessary because the information to be seized is relevant to an ongoing investigation, and any disclosure of the information at this time may cause flight from prosecution or otherwise seriously jeopardize an investigation. Premature

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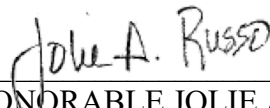
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disclosure of the affidavit, the criminal complaint, and the arrest warrant may adversely affect the integrity of the investigation.

/s/ by telephone  
CHATHAM McCUTCHEON  
Deportation Officer  
Immigration and Customs Enforcement

Sworn to before me telephonically or by other reliable means pursuant to Fed. R. Crim.

P. 4.1 at 2:30 pm on March 30, 2023.

  
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HONORABLE JOLIE A. RUSSO  
United States Magistrate Judge